

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/822,839
Filing Date Apr 13, 2004
Inventor Tonkovich
Assignee Battelle Memorial Institute
Group Art Unit 1797
Examiner Nina Bhat
Attorney's Docket No. E1666ACIPCONDIV
Title: Catalyst, Method Of Making, And Reactions Using the Catalyst

**PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. § 1.313(c)(2) FOR
CONSIDERATION OF A REQUEST FOR CONTINUED EXAMINATION IN
COMPLIANCE WITH 37 C.F.R. § 1.114**

To: Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION

Applicant hereby petitions for withdrawal of this application from issue pursuant to 37
C.F.R. § 1.313(c)(2).

PATENT ISSUE FEE

The issue fee for this case was paid on January 17, 2008. The date the patent is scheduled to
issue is unknown. The amount paid for toward the issue fee may be applied to a future issuance of an
application that may issue from the RCE.

REASON FOR WITHDRAWAL REQUEST

Applicant hereby petitions the Commissioner to withdraw this case from issue for consideration of a request of continued examination in compliance with 37 C.F.R. § 1.114. The request for continued examination (RCE) and accompanying fee is submitted herewith. There is a copending case US Ser. No. 11/236,125 having claims with some similarity to some of the allowed claims, and in this application, applicants received a final Office Action citing new references (Lu, Dwyer). Through an error by the Patent Office, the Office Action was sent to the wrong address and was forwarded to the undersigned attorney long after the Notice of Allowance in this application. The citation of the Lu reference was only noticed by the undersigned attorney after payment of the issue fee in this application. Submitted herewith is an Information Disclosure Statement (IDS) submitting the final Office Action and references in the Office Action.

Applicants point out the a previous Office Action from US Ser. No. 11/236,125 has already been submitted and considered by the examiner in this application. Applicants further submit that the information in the attached IDS is no more than cumulative over that which has already been submitted and considered in this application. Nonetheless, out of an abundance of caution, Applicants are requesting withdrawal of issuance in favor of an RCE in order to have the IDS considered.

PETITION FEES

A petition fee of \$130.00, as required under 37 C.F.R. § 1.17(h), is submitted herewith. Any additional fees necessary for consideration of this petition can be charged to Deposit Account No. 501749.

Respectfully submitted,

Date: __22 February 2008__

By: ____/Frank Rosenberg/____

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